

# **EXHIBIT 3**

**SB2400**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB2400**

Introduced 2/14/2008, by Sen. Terry Link

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Biometric Information Privacy Act. Provides that a public agency or private entity in possession of biometric identifiers or biometric information must develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within 3 years of the individual's last interaction with the public agency or private entity. Provides that absent a valid warrant or subpoena, a public agency or private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines. Provides that no public agency or private entity may collect, capture, purchase, receive through trade, or otherwise obtain a person's or a customer's biometric identifier or biometric information, unless it first satisfies certain conditions. Provides that these provisions do not apply to a public agency engaged in criminal investigations or prosecutions or a public agency acting pursuant to a valid warrant or subpoena. Provides that a public agency in possession of biometric identifiers or biometric information shall store, transmit, and protect from disclosure all biometric identifiers and biometric information in a manner that is the same as or more protective than the manner in which the public agency stores, transmits, and protects other confidential and sensitive information. Provides that any person aggrieved by a violation of this Act shall have a right of action in a State circuit court or as a supplemental claim in federal district court. Preempts home rule. Contains other provisions.

LRB095 19768 KBJ 46142 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1           AN ACT concerning health.

2           **Be it enacted by the People of the State of Illinois,**  
3           **represented in the General Assembly:**

4           Section 1. Short title. This Act may be cited as the  
5        Biometric Information Privacy Act.

6           Section 5. Legislative findings; intent. The General  
7        Assembly finds all of the following:

8           (a) The use of biometrics is growing in the business and  
9        security screening sectors and appears to promise streamlined  
10      financial transactions and security screenings.

11          (b) Major national corporations have selected the City of  
12        Chicago and other locations in this State as pilot testing  
13        sites for new applications of biometric-facilitated financial  
14        transactions, including "Pay By Touch" at banks, grocery  
15        stores, gas stations, and school cafeterias.

16          (c) Biometrics are unlike other unique identifiers that are  
17        used to access finances or other sensitive information. For  
18        example, social security numbers, when compromised, can be  
19        changed. Biometrics, however, are biologically unique to the  
20        individual; therefore, once compromised, the individual has no  
21        recourse, is at heightened risk for identity theft, and is  
22        likely to withdraw from biometric-facilitated transactions.

23          (d) An overwhelming majority of members of the public are

1 opposed to the use of biometrics when such information is tied  
2 to personal finances and other personal information.

3 (e) Despite limited State law regulating the collection,  
4 use, safeguarding, and storage of biometric information, many  
5 members of the public are deterred from partaking in biometric  
6 identifier-facilitated facility transactions.

7 (f) The public welfare, security, and safety will be served  
8 by regulating the collection, use, safeguarding, handling,  
9 storage, retention, and destruction of biometric identifiers  
10 and information.

11       Section 10. Definitions. In this Act:

12       "Biometric identifier" means any indelible personal  
13 physical characteristic which can be used to uniquely identify  
14 an individual or pinpoint an individual at a particular place  
15 at a particular time. Examples of biometric identifiers  
16 include, but are not limited to iris or retinal scans,  
17 fingerprints, voiceprints, and records of hand or facial  
18 geometry. Biometric identifiers do not include writing  
19 samples, written signature, and photographs.

20       "Biometric information" means any information, regardless  
21 of how it is captured, converted, stored, or shared, based on  
22 an individual's biometric identifier used to identify an  
23 individual.

24       "Confidential and sensitive information" means personal  
25 information that can be used to uniquely identify an individual

1 or an individual's account or property include, but are not  
2 limited to a genetic marker, genetic testing information, a  
3 unique identifier number to locate an account or property, an  
4 account number, a PIN number, a pass code, a driver's license  
5 number, or a social security number.

6 "Legally effective written release" means informed written  
7 consent.

8 "Private entity" means any individual, partnership,  
9 corporation, limited liability company, association, or other  
10 group, however organized.

11 "Public agency" means the State of Illinois and its various  
12 subdivisions and agencies, and all units of local government,  
13 school districts, and other governmental entities.

14           Section     15.       Retention;     collection;     disclosure;  
15 destruction.

16           (a) A public agency or private entity in possession of  
17 biometric identifiers or biometric information must develop a  
18 written policy, made available to the public, establishing a  
19 retention schedule and guidelines for permanently destroying  
20 biometric identifiers and biometric information when the  
21 initial purpose for collecting or obtaining such identifiers or  
22 information has been satisfied or within 3 years of the  
23 individual's last interaction with the public agency or private  
24 entity. Absent a valid warrant or subpoena issued by a court of  
25 competent jurisdiction, a public agency or private entity in